

Application No. : 09/841,344
Filed : April 24, 2001

REMARKS

Claims 1-21 were pending in the application. By this paper, Applicant has cancelled
5 Claim 2 without prejudice, amended Claims 1, 3 and 5, and added new Claim 22. Accordingly,
Claims 1 and 3-22 are presented herein for examination.

Allowable Subject Matter

Per page 6 of the Office Action, Claims 11-21 stand allowed.

10

Objected-to and New Claims

Per pages 5-6 of the Office Action, Claims 2-4, and 6 were objected to as being
dependent on a rejected base claim, but allowable if recast in independent form. Accordingly, by
this paper, Applicant has amended Claim 1 to include the limitations of prior dependent Claim 2,
15 thereby overcoming the Examiner's objections and Section 102 rejections of Claim 1. New
Claim 22 corresponds generally to objected-to Claim 2 as well.

§112 Rejections

Claim 5 was rejected under 35 U.S.C. §112 as including an insufficient antecedent basis.
20 Claim 5 is amended herein to change dependency from Claim 1 into Claim 4, thereby
overcoming the Examiner's rejection.

§102 Rejections

Per the Office Action, Claims 1, 5 and 7-9 were rejected under 35 U.S.C. 102(e) as being
25 anticipated by Melax (6,292,146). By this paper, Applicant has amended Claim 1 (and canceled
Claim 2) to incorporate the limitations of Claim 2 into Claim 1 as previously discussed.
Accordingly, since Claim 2 depended directly from Claim 1, and Claim 2 was considered
allowable, Applicant respectfully submits that Claim 1 overcomes the Examiner's §102 rejection
and defines patentable subject matter. Furthermore, since Claims 5 and 7-9 depend directly or
30 indirectly from Claim 1, these Claims are also in condition for allowance.

§103 Rejections

Application No. : 09/841,344
Filed : April 24, 2001

The Examiner rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over the Melax patent (U.S. Patent 6,292,146). Applicant submits that since Claim 10 depends directly from Claim 1 (now allowable as previously described), Claim 10 is also now in condition for allowance.

Hence, in summary, Applicant submits that Claims 1 and 3-22 define patentable subject matter, and are in condition for allowance. Applicant respectfully requests that the Examiner pass this case to issuance at the earliest opportunity.

Other Remarks

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments that may be resolved over the telephone, he/she is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES

Dated: May 20, 2004

By: 

Robert F. Gazdzinski
Registration No. 39,990
11440 West Bernardo Court, Suite 375
San Diego, CA 92127
Telephone No.: (858) 675-1670
Facsimile No.: (858) 675-1674